



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.11167 of 2017

M.Arockiyasamy

.. Petitioner

Vs.

1. The District Collector,
Tirunelveli District, Tirunelveli.

2. The Revenue Divisional Officer,
Palayamkottai, Tirunelveli.

3. The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.

4. The Block Development Officer/Special Officer,
Manappadai Veedu Panchayat, Tirunelveli District.

5.K.Selvaraj

6.S.Santhanamary

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments and obstructions made by the respondents 5 and 6 on the public street in Survey No.188/66, Manappadai Veedu Village.

For Petitioner : Mr.S.Balamurugan
For RR 1 to 4 : Mr.M.Govindan,
Special Government Pleader.

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 4 to remove encroachments alleged to have been made by the respondents 5 and 6 in Survey No.188/66, Manappadai Veedu Village, Tirunelveli District, by way of issuing a Writ of Mandamus.

2.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents 1 to 4. Considering the nature of



the relief sought in the writ petition and also considering the classification of Survey No.188/66, notice need not be sent to the respondents 5 and 6.

3. It is seen from the revenue records that Survey No.188/66 has been classified as a street.

4. The main contention put forth on the side of the petitioner is that the fifth and sixth respondents have made certain encroachments in Survey No.188/66 and due to that a representation has been given, but no action has been taken.

5. Considering the fact that Survey No.188/66 has been classified as a street and the same belongs to the Government and also considering the contention put forth on the side of the petitioner, this Court is inclined to pass the following order.

6. In fine, this Writ Petition is allowed without costs and the respondents 3 and 4 are strictly directed to conduct proper survey in respect of Survey No.188/66, Manappadai Veedu Village, Tirunelveli District, with the assistance of revenue records and if there is any encroachment in Survey No.188/66, directed to remove the same under due process of law, after giving due opportunity to the petitioner as well as respondents 5 and 6 within a period of two months.

Sd/-

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District, Tirunelveli.
 2. The Revenue Divisional Officer,
Palayamkottai, Tirunelveli.
 3. The Tahsildar, Palayamkottai Taluk, Tirunelveli District.
 4. The Block Development Officer/Special Officer,
Manappadai Veedu Panchayat, Tirunelveli District.
- +1 CC to M/s.S.BALAMURUGAN, Advocate, SR No. 60650.
+1 CC to SPECIAL GOVERNMENT PLEADER, SR No. 60893.

PS

PSM/SKN-RSK/SAR1/28.06.2017/2P/7C